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EXAMINER
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HARVEY, DAVID E

ART UNIT	PAPER NUMBER
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2621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,933	<b>Applicant(s)</b> KELLY ET AL.	
	<b>Examiner</b> DAVID E. HARVEY	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-9 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/1/2005</u> .   | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2621

**X**

**1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.**

**2. A video signal does not produce an image of measurable “size” until it the video signal is actually displayed on a display device. The instant specification teaches that the “size” of an image, as recited in the pending claims, “could” be defined as being the number of horizontal and vertical pixels used to represent it [Note: note lines 9 and 10 of page 2]. While the examiner recognizes that the number of pixels used to represent an image does necessarily translate into image “size”, the examiner contends that one skilled in the art would have understood the meaning of the recited “size” terminology construed in the context of the instant disclosure and, more specifically, in the context of the noted definition set forth therein.**

**3. 35 U.S.C. 101 reads as follows:**

**Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.**

**4. Claims 6 and 7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

**A)** The instant disclosure appears to distinguish “record carriers” *for carrying* signals from “record carriers” *for recording* signals, wherein the “record carriers” that carry signals appears to be inclusive of carrier waves (e.g. Note lines 1-6 of paragraph 10). The preamble of claim 6 (and claim 7) indicates that the claim is directed to a “record carrier” for carrying signals and, thus, appears to be inclusive of carrier wave (i.e., a modulated signal per se). Signals, per se, are forms of energy and constitute non-statutory subject matter.

**B)** With respect to the “body” of claim 6 (and 7), the following positions are taken:

1) That “descriptive material” recited in the body of the claim 6 does not fall within the definition of a “data structure.” Specifically, the descriptive material does not define a physical or logical relationship among the recited data elements, designed to support specific data manipulation functions, as is required of a data structure. As such, it is maintained that the “descriptive material” recited in the body of claim 46 is in fact nonfunctional descriptive material; e.g., the recited material merely describes what the digital information signal represents.

Nonfunctional descriptive material, as recited, constitutes non-statutory subject matter regardless of whether or not it is recorded on a recording medium.

2) It is further noted that even “functional descriptive material” per se is not statutory. That is, in order to be statutory, “functional descriptive material” in combination with an appropriate computer readable medium must be capable of producing a useful, concrete, and tangible result when used in a computer system. As recited the “descriptive material” recited in the body of claim 46 is not capable of producing such a result and therefor does not constitute statutory subject matter for this reason too.

**C)** Claims 6 and 7 are directed to non-statutory subject matter for the same reason as explained above.

5. The following “prior art” is noted:

**A) JP Patent Document #10-241262 to Konishi et al. (machine generated translation provided):**

As is shown in Figure 1, Konishi et al described an A/V reproducing device comprising:

1) A disc drive (@ 2) for producing a multiplexed AV signal from a disc shapes recording medium, wherein the multiplexed AV signal includes different A/V channels representing different viewing angles of a given A/V presentation [note paragraphs 0016 and 0019 of the provided translation]; and

2) Playback equipment (@ 1) which, in a preferred embodiment, operates:

a) To store (@ 5), decode (@ 8), and output/display a first one of the A/V channels as a full-size main image signal; and

b) To store (@ 4), decode (@ 7), and output/display the one of the A/V channels as a reduced size PIP image signal.

[Note paragraph 0056 of the provided translation].

**B) U.S. Patent #6,075,906 to Fenwick et al.:**

In lines 34-67 of column 1, Fenwick et al. states:

“Picture-in Picture (PIP) displays a reduced size image in a display of a full-size image. A reduced-sized image is called a scaled image, and the process of reducing the size of the image is called scaling. **Typically, scaled images are not transmitted by service providers**, such as local cable television companies. Therefor, a device at the consumer’s location must perform any required scaling.

It is desirable to be able to process and present reduced-sized video streams for applications such as PIP in set-top decoder products, and the like. However, due to limited resources and cost constraints, set-top decoder products rarely have sufficient processing power or memory resources to decode multiple full-size images simultaneously. Thus, it is not desirable to decode a full stream, and scale it after all decoding is complete.....

What is needed is a system for scaling video streams in the spatial domains that is applicable to a system with limited resources, such as set-top boxes, **while avoiding unnecessary consumption of transmission bandwidth between the service provided and the system.**” (emphasis added)

The examiner maintains that the above teaching, i.e., particularly that which has been emphasized, evidences that it was known/recognized to have transmitted scaled images from the transmitter side for PIP applications on the receiver side wherein such a configuration was recognized as having been:

- 1) Advantageous because it did not require the receiver to have processing capable of decoding multiple full size images simultaneously; and
- 2) Disadvantageous because it resulted in the unnecessary consumption of transmission bandwidth.

**C) U.S. Patent #6,741,617 to Resengren et al.:**

As shown in Figure 6, Rosengren et al describes a digital video receiving device that comprises:

- 1) A demultiplexer (@ 60) for receiving and MPEG2 transport stream (@ TS) and for demultiplexing the received transport stream into:
  - a) An elementary audio signal component (A1);
  - b) An elementary video stream (V1) which, when decoded by a MPEG decoder (@ 62), provided a full-size image signal which is provided to (via mixer 64), and displayed on a display device (@ 66); and
  - c) A further elementary video stream (V2) which is processed by a PIP decoder (@ 63) to provide a reduced size image signal (@ V2'), which is mixed with the full-size image signal (@ 64) and displayed (@ 66) as a reduced size PIP image in the full-size image.

It is noted that in a first embodiment of the invention, the PIP decoder (@ 63) operates to scale the video signal (@ V2) in order to produce the reduced size PIP image signal [note lines 10-23 of column 5]. However, in a second embodiment, the video signal (V2) is generated (@ Va) on the transmitter side of Figures 1 and 5, so as to already be spatially and temporally scaled (i.e., of reduced size) [Note: lines 22-32 of column 5; lines 30-32 of column 4; the last five lines of the abstract on the cover page; etc,...]

**D) Korean Patent Document #2001/004940 to Jo:**

As shown in the attached Figure, Jo disclosed a "system" for fabricating any one of various types of "record carriers" (e.g., @ 20-24), which included:

- 1) A video signal generator (@ 10) for generating digital data representing a main moving picture video signal;
- 2) A video signal generator (@ 11) for generating data representing an advertising moving picture video signal;
- 3) Mixing circuitry for mixing the data representing the advertising moving picture video signal with the data representing the main moving picture video signal;

wherein the advertising moving picture video signal is added to the main moving picture video signal as a reduced-size PIP advertising moving picture signal at a size, shape, and position set by the controller (@ 13); and

wherein the resulting combined moving picture signal is recorded (@ 15) onto a respective recording medium to cause the "fabrication" of a respective one of the "record carriers" (@ 20-24).

**E) US Patent Document #2002/0047915 to Rosengren et al.:**

This publication has the same disclosure as the Rosengren et al patent cited above and is, therefor, cited for like reasons. However, this publication was published on 4/25/2002 thereby qualifying as prior art under section 102 (b), rather than section 102(e).

**6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

**A person shall be entitled to a patent unless –**

**(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.**

**(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.**

**7. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Korean Patent Document #2001/004940 to Jo.**

As described above in part “D” of paragraph 5 of this Office action, Jo disclosed a system for fabricating a record carrier carrying a digital information signal comprised of a first main screen video signal and a second smaller size PIP image signal thereby meeting the limitations of claim 6.

Specifically, Jo described a “system” for fabricating any one of various types of “record carriers” (e.g., @ 20-24), which included:

1) A video signal generator (@ 10) for generating digital data representing a main moving picture video signal;

2) A video signal generator (@ 11) for generating data representing an advertising moving picture video signal;

3) Mixing circuitry for mixing the data representing the advertising moving picture video signal with the data representing the main moving picture video signal;

wherein the advertising moving picture video signal is added to the main moving picture video signal as a reduced-size PIP advertising moving picture signal at a size, shape, and position set by the controller (@ 13); and

wherein the resulting combined moving picture signal is recorded (@ 15) onto a respective recording medium to cause the “fabrication” of a respective one of the “record carriers” (@ 20-24).



Art Unit: 2621

**8. Claims 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Korean Patent Document #2001/004940 to Jo for the reasons addressed above with respect to claim 6. Additionally:**

Jo described a “system” for fabricating any one of various types of “record carriers” (e.g., @ 20-24), which included:

1) ***Input means*** (e.g., the inputs to processing circuitry 12) for:

- a) Receiving video a digital data representing a main moving picture video signal from a first signal generator (@ 10);
- b) Receiving video a digital data representing an advertising moving picture video signal from a second signal generator (@ 11);

3) Circuitry (@ 12) including combination means for combining the data representing the advertising moving picture video signal with the data representing the main moving picture video signal; and

4) Output means (@ 14 and 15) for outputting a digital information signal to an appropriate record carrier (@ 20-24);

wherein the circuitry (@ 12) included video processing means for setting the size, shape, and location of the second signal based on settings provided by a controller (@ 13); i.e., which processing necessarily occurs prior to the signals being combined.

**9. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent #6,741,617 to Rosengren et al.:**

**A) Preface:**

While not explicitly stated, the examiner maintains that the ancillary video signal (@ Va) produced by the circuitry of Figure 1 in Rosengren et al comprises/represent a video signal of reduced size images (e.g., 1/8 size). This is evidenced, for example, by the following:

- 1) That the PIP processing block (@ 63) of figure 6 is described, explicitly, as producing a video signal of reduced-size images [note 14-18 of column 5] and is described, explicitly, as taking the for of the circuitry of figure 1 [note lines 19-23 of column 5];
- 2) That each DC coefficient of the signal represent an average of 8x8 original pixels [note lines 43-45 of column 2];
- 3) That the video signal is described as being of reduced spatial and temporal resolution [note lines 30-32 of column 4];
- 4) That the video signal, when displayed, is illustrated as producing reduced size images (e.g., @ 90 of Figure 7B).

**B) The showing of Rosengren et al.:**

As shown in Figure 6, Rosengren et al describes a digital video receiving device that comprises:

- 1) A **receiving means**, e.g., not shown in the Figure, for receiving for receiving **a digital information signal** comprises of an **MPEG2 transport stream** (@ TS) from the transmitter side of the system and for providing the received information signal to a demultiplexer (@ 60);
- 2) A **first retrieval means** (e.g., @ 60) for receiving and retrieving a first full-size video signal (@ V1) from the digital information signal;
- 3) A **second retrieval means** (e.g., @ 60) for receiving and retrieving a second video signal (@ V2) from the digital information signal wherein the second video signal (@ V2) comprises:
  - a) In a first embodiment, a full size image signal, that converted/scaled at the receiver (@ 63) to a video signal (@ V2') representing reduced size PIP images [e.g., lines 14-23 of column 5]; or

Art Unit: 2621

b) In a second embodiment, an ancillary video signal that has already been converted scaled on the transmitter side of the system (e.g., @51 of Figure 5) so as represent the reduced sized PIP images [e.g., lines 23-26 of column 5];

wherein the recitations of claim 6 are met by this second embodiment;

4) ***Signal combination means*** (e.g., @64); and

5) ***A display unit*** (66);

wherein in the second embodiment, scaling of the second video signal is performed on the transmitter side of the system and, therefor, is "***unchanged***" by the receiver.

**10. Claim 3 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent #6,741,617 to Rosengren et al. for the same reasons that were set forth above for claim 1.**

**11. Claim 5 is rejected under 35 U.S.C. 102(e) as being anticipated by US Patent #6,741,617 to Rosengren et al.:**

**A) Preface:**

While not explicitly stated, the examiner maintains that the ancillary video signal (@ Va) produced by the circuitry of Figure 1 in Rosengren et al comprises/represent a video signal of reduced size images (e.g., 1/8 size). This is evidenced, for example, by the following:

- 1) That the PIP processing block (@ 63) of figure 6 is described, explicitly, as producing a video signal of reduced-size images [note 14-18 of column 5] and is described, explicitly, as taking the for of the circuitry of figure 1 [note lines 19-23 of column 5];
- 2) That each DC coefficient of the signal represent an average of 8x8 original pixels [note lines 43-45 of column 2];
- 3) That the video signal is described as being of reduced spatial and temporal resolution [note lines 30-32 of column 4];
- 4) That the video signal, when displayed, is illustrated as producing reduced size images (e.g., @ 90 of Figure 7B).

**B) The showing of Resengren et al.:**

As shown in Figure 6, Rosengren et al describes a digital video receiving device that comprises:

- 1) A ***first receiving means*** (e.g., @ 60) for receiving a ***digital information signal*** comprises of an ***MPEG2 transport stream*** (@ TS) from the transmitter side of the system and for ***receiving*** and retrieving a first full-size video signal (@ V1) from the digital information signal. It is noted that the ***first receiving means*** (e.g., @ 60) also necessarily receives the "***control signal***" that is necessary to control the demultiplexer (@ 60) to properly demultiplex the received MPEG2 signal into the illustrated A1, V1, and V2 components;
- 3) A ***second receiving means*** (e.g., @ 60) for receiving and retrieving a second video signal (@ V2) from the digital information signal wherein the second video signal (@ V2) ***in dependence on said control signal***, comprises:
  - a) In a first embodiment, a full size image signal, that converted/scaled at the receiver (@ 63) to a video signal (@ V2') representing reduced size PIP images [e.g., lines 14-23 of column 5]; or

Art Unit: 2621

b) In a second embodiment, an ancillary video signal that has already been converted scaled on the transmitter side of the system (e.g., @51 of Figure 5) so as represent the reduced sized PIP images [e.g., lines 23-26 of column 5];

wherein the recitations of claim 6 are met by this second embodiment;

4) **Signal combination means** (e.g., @64); and

5) **A display unit** (66);

wherein in the second embodiment, scaling of the second video signal is performed on the transmitter side of the system and, therefor, is “**unchanged**” by the receiver.

**12. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Document #2002/0047915 to Rosengren et al. (i.e., a related “prior publication” of US Patent #6,741,617 to Rosengren et al. applied above).**

**A) Preface:**

While not explicitly stated, the examiner maintains that the ancillary video signal (@ Va) produced by the circuitry of Figure 1 in Rosengren et al comprises/represent a video signal of reduced size images (e.g., 1/8 size). This is evidenced, for example, by the following:

- 1) That the PIP processing block (@ 63) of figure 6 is described, explicitly, as producing a video signal of reduced-size images and is described, explicitly, as taking the for of the circuitry of figure 1;
- 2) That each DC coefficient of the signal represents an average of 8x8 original pixels;
- 3) That the video signal is described as being of reduced spatial and temporal resolution;
- 4) That the video signal, when displayed, is illustrated as producing reduced size images.

[Note: paragraphs 0021, 0030, and 0031; and Figure 7B]

**B) The showing of Rosengren et al.:**

As shown in Figure 6, Rosengren et al describes a digital video receiving device that comprises:

- 1) A **receiving means**, e.g., not shown in the Figure, for receiving for receiving **a digital information signal** comprises of an **MPEG2 transport stream** (@ TS) from the transmitter side of the system and for providing the received information signal to a demultiplexer (@ 60);
- 2) A **first retrieval means** (e.g., @ 60) for receiving and retrieving a first full-size video signal (@ V1) from the digital information signal;
- 3) A **second retrieval means** (e.g., @ 60) for receiving and retrieving a second video signal (@ V2) from the digital information signal wherein the second video signal (@ V2) comprises:
  - a) In a first embodiment, a full size image signal, that converted/scaled at the receiver (@ 63) to a video signal

Art Unit: 2621

(@ V2') representing reduced size PIP images [e.g., paragraph 0030]; or

b) In a second embodiment, an ancillary video signal that has already been converted scaled on the transmitter side of the system (e.g., @51 of Figure 5) so as represent the reduced sized PIP images [e.g., paragraph 0031];

wherein the recitations of claim 6 are met by this second embodiment;

4) **Signal combination means** (e.g., @64); and

5) **A display unit** (66);

wherein in the second embodiment, scaling of the second video signal is performed on the transmitter side of the system and, therefor, is "**unchanged**" by the receiver.

**13. Claim 3 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Document #2002/0047915 to Rosengren et al. for the same reasons that were set forth above for claim 1.**

**14. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Document #2002/0047915 to Rosengren et al.:**

**A) Preface:**

While not explicitly stated, the examiner maintains that the ancillary video signal (@ Va) produced by the circuitry of Figure 1 in Rosengren et al comprises/represent a video signal of reduced size images (e.g., 1/8 size). This is evidenced, for example, by the following:

- 1) That the PIP processing block (@ 63) of figure 6 is described, explicitly, as producing a video signal of reduced-size images and is described, explicitly, as taking the for of the circuitry of figure 1;
- 2) That each DC coefficient of the signal represents an average of 8x8 original pixels;
- 3) That the video signal is described as being of reduced spatial and temporal resolution;
- 4) That the video signal, when displayed, is illustrated as producing reduced size images.

[Note: paragraphs 0021, 0030, and 0031; and Figure 7B]

**B) The showing of Resengren et al.:**

As shown in Figure 6, Rosengren et al describes a digital video receiving device that comprises:

- 1) A ***first receiving means*** (e.g., @ 60) for receiving a ***digital information signal*** comprises of an ***MPEG2 transport stream*** (@ TS) from the transmitter side of the system and for ***receiving*** and retrieving a first full-size video signal (@ V1) from the digital information signal. It is noted that the ***first receiving means*** (e.g., @ 60) also necessarily receives the "***control signal***" that is necessary to control the demultiplexer (@ 60) to properly demultiplex the received MPEG2 signal into the illustrated A1, V1, and V2 components;
- 3) A ***second receiving means*** (e.g., @ 60) for receiving and retrieving a second video signal (@ V2) from the digital information signal wherein the second video signal (@ V2) ***in dependence on said control signal***, comprises:
  - a) In a first embodiment, a full size image signal, that converted/scaled at the receiver (@ 63) to a video signal (@ V2') representing reduced size PIP images [e.g., paragraph 0030]; or



b) In a second embodiment, an ancillary video signal that has already been converted scaled on the transmitter side of the system (e.g., @51 of Figure 5) so as represent the reduced sized PIP images [e.g., paragraph 0031];

wherein the recitations of claim 6 are met by this second embodiment;

4) **Signal combination means** (e.g., @64); and

5) **A display unit** (66);

wherein in the second embodiment, scaling of the second video signal is performed on the transmitter side of the system and, therefor, is "**unchanged**" by the receiver.

Art Unit: 2621

**15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).**

Art Unit: 2621

**16. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the showing of US Patent #6,741,617 to Rosengren et al.**

A) Rosengren et al. describes a system as was set forth above with respect to the rejection of claim 1.

B) Claim 4 differs from the showing of Rosengren et al. only in that claim 4 required the transmission medium connecting the transmitter side of the system to the receiver side of the system to be a recordable record carrier.

C) As is evidenced by the showings of Figures 8A and 8B in Rosengren et al., Rosengren et al. itself evidences the obviousness of having utilized a recordable record carrier (e.g., @ 81) as the transmission medium that coupled the receiver side of the system to the transmitter side. Indeed, the examiner takes Official Notice that it was notoriously well known the video signal transmission art that broadcast and recording type carriers were well known ways of transporting video signals from the transmitting side of the system to the receiving side.

D) The examiner maintained that it would have been obvious to one of ordinary skill in the art to have "modified" the "second embodiment" of the receiver illustrated in figure 6 of Rosengren et al. to receive the MPEG2 transport stream from the transmitter side via a recordable record carrier as claimed. The benefits provided to the receiver side circuitry, i.e., reduced complexity, are advantageously imparted to the receiver side circuitry, and regardless of the form of transmission medium used.

**17. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the showing of US Patent Document #2002/0047915 to Rosengren et al.**

A) Rosengren et al. describes a system as was set forth above with respect to the rejection of claim 1.

B) Claim 4 differs from the showing of Rosengren et al. only in that claim 5 required the transmission medium connecting the transmitter side of the system to the receiver side of the system to be a recordable record carrier.

C) As is evidenced by the showings of Figures 8A and 8B in Rosengren et al., Rosengren et al. itself evidences the obviousness of having utilized a recordable record carrier (e.g., @ 81) as the transmission medium that coupled the receiver side of the system to the transmitter side. Indeed, the examiner takes Official Notice that it was notoriously well known the video signal transmission art that broadcast and recording type carriers were well known ways of transporting video signals from the transmitting side of the system to the receiving side.

D) The examiner maintained that it would have been obvious to one of ordinary skill in the art to have “modified” the “second embodiment” of the receiver illustrated in figure 6 of Rosengren et al. to receive the MPEG2 transport stream from the transmitter side via a recordable record carrier as claimed. The benefits provided to the receiver side circuitry, i.e., reduced complexity, are advantageously imparted to the receiver side circuitry, and regardless of the form of transmission medium used.

**18. Additional “prior art” noted:**

**A) U.S. Patent #5,598,222 to Lane:**

Lane is cited as being illustrative of conventional receiver side PIP processing and display circuitry.

**B) U.S. Patent #6,415,101 to deCarmo et al:**

deCarmo et al. has been cited as being illustrative of a PIP system for proving an “angle-in-angle” display wherein the size and location of the PIP image is adjusted to minimize disturbances to the main picture [See lines 55-67 of column 6].

**C) U.S. Patent Document #2002/0140862 to Dimitrova et al.:**

Dimitrova et al. has been cited as being illustrative of a PIP system which adjusts the position of the PIP image to minimize disturbances.

**19. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

**20.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

Primary Examiner, Art Unit 2621

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Primary Examiner  
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